IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.1817 OF 2005

Bharat Sanchar Nigam Ltd.
and Ors. ..Petitioners
Vs.
Mr.S.Y.Bhosle & Ors. ..Respondents

...
Mrs.N.V.Masurkar Advocate for Petitioners
Mrs.M.M.Deshmukh A.P.P. for the State
Mrs.Lata Desai Advocate for Respondent No.1
...

CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : DECEMBER 22,2006

P.C.

1. Heard the learned advocate for the petitioners, the learned A.P.P. for the State and the learned advocate for the Respondent No.1-original complainant though served.

2. The petitioners-original accused are seeking quashing of process issued by the learned Additional Chief Metropolitan Magistrate, 38th Court, Ballard Pier Mumbai in Case No.14/S/2003. The said case is under clause 39 read with clause 27 of the Maharashtra Private Security Guards (Regulation of Employment Welfare) Act, 1987.

3. For the reasons recorded in my order in the

case of **V.K.Jain and others Vs. Pratap V.Padode reported in 2005(3) Mh.L.J. 778,** in my view, it is clear that the petitioners have an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, it would be appropriate that the petitioners prefer a revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the petitioners to prefer the necessary revision before the concerned Sessions Court. The learned advocate for the petitioners states that necessary revision will be preferred within a period of eight weeks from today.

5. On the necessary revision being preferred by the petitioners before the concerned Sessions Court, the concerned Sessions Court shall dispose of said revision on merits after hearing the necessary parties. The learned counsel for the Respondent fairly states that no objection would be raised in respect of delay in filing the revision. In the meantime, the proceedings before the trial Court are stayed for a period of eight weeks from

today.

6. The learned advocate for the petitioners submits that the petitioners be granted exemption before the trial Court till the decision of the case. In view of the facts of this case, the learned Magistrate shall not insist on the personal appearance of the Petitioners before the trial Court unless the learned Magistrate is of the opinion that the presence of the petitioners is absolutely necessary. In such case, on notice being given to the petitioners, the petitioners shall remain present before the trial Court on the date indicated by the trial Court.

7. Writ Petition is disposed of.

[V.K.TAHILRAMANI,J.]